

12/20/2024

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

IN RE:

TOLEDO GAS GATHERING, LLC

xx-xxx5235

515 N. Fredonia, Longview, TX 75601

Debtor

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Case No. 24-60730

Chapter 11

TOLEDO GAS GATHERING, LLC

Plaintiff

v.

JASON DIAL and
CRESTLINE ENERGY
PARTNERS, LLC

Defendants

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Adversary No. 24-6048

**ORDER REGARDING SERVICE OF ADVERSARY COMPLAINT UPON
DEFENDANT, CRESTLINE ENERGY PARTNERS, LLC**

On this date, the Court *sua sponte* reviewed the file in this case regarding proper service of summons of Plaintiff's Complaint on Defendant, Crestline Energy Partners, LLC in this adversary proceeding. On December 6, 2024, Plaintiff filed proof of service with the Court. This document indicates service on the Defendant was made "by Regular, first class United States mail on December 9, 2024, to the Law Office of Matthew Bobo, PLLC."¹ This document does not indicate that service has in fact been accomplished

¹ ECF No. 9

properly on *Defendant*. While Defendant's attorney may be willing to accept such service on their behalf, this willingness does not excuse the Plaintiff from the obligation to timely perfect service of a properly issued summons in compliance with Fed. R. Bankr. P. 7004(e).

Alternatively, Defendant may waive formal service of summons at Plaintiff's request pursuant to Fed. R. Civ. P. 4(d) which rule is applicable to this Court pursuant to Fed. R. Bankr. P. 7004(a)(1). The Administrative Office of Courts prescribes a form for such a waiver which complies with the requirements of Fed. R. Civ. P. 4(d).²

IT IS THEREFORE ORDERED that the Plaintiff shall, within fourteen (14) days of the entry of this Order, either:

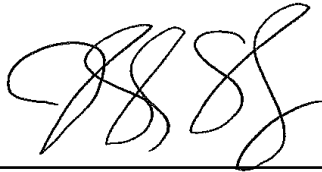
- (1) file a properly executed waiver of service which complies with the requirements of Fed. R. Civ. P. 4(d);
- (2) provide for the issuance of a new summonses to Defendant, Crestline Energy Partners, LLC, and thereafter effect service on such Defendant in the proper manner and within the time constraints of Fed. R. Bankr. P. 7004(e); or
- (3) otherwise show cause by written response to the Court as to why this adversary proceeding should not be dismissed for want of prosecution.

IT IS FURTHER ORDERED THAT A FAILURE TO COMPLY WITH THE ABOVE DIRECTIVES MAY RESULT IN DISMISSAL OF THIS ADVERSARY PROCEEDING AS AGAINST THE ABOVE-NAMED DEFENDANTS WITHOUT

² AO 399 is available in downloadable form for use online at:
<https://www.uscourts.gov/forms/notice-lawsuit-summons-subpoena/waiver-service-summons>.

FURTHER NOTICE OR HEARING.

Signed on 12/20/2024

A handwritten signature in black ink, appearing to read 'JPS', is written above a horizontal line.

THE HONORABLE JOSHUA P. SEARCY
UNITED STATES BANKRUPTCY JUDGE